

In the Drawings:

Please amend FIGS. 5-9 to add the label 'Prior Art' thereto as indicated in the attached drawing markup and replacement sheets.

REMARKS

Reconsideration is respectfully requested. Claims 1-13 are present in the application. Claims 1, 2, 5, 6, 7, 8, 11, 12 and 13 are amended herein. Claims 4 and 10 are canceled. New claims 14-17 are added.

Claims 14-17 are added to adjust the dependence of claims 6 and 7 so that the original dependency thereof is retained but without having a multiple dependent claim that depends on another multiple dependent claim.

The drawings are objected to because FIGs. 5-9 do not have the legend 'Prior Art'. The drawings are amended herein to add the legend.

Claim 1 is rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Lee (US 5700603).

Applicants respectfully traverse.

While the supporter 46 in Lee might initially appear to be corresponding to the substrate recited in claim 1 of this application, that supporter is not described as a rectangular parallelepiped. Moreover, the Lee document does not describe that the member having a contour corresponding to the substantially rectangular parallelepiped frame is integrally fixed to the substrate having a substantially rectangular parallelepiped contour, as recited in claims 1 as amended by claim 4.

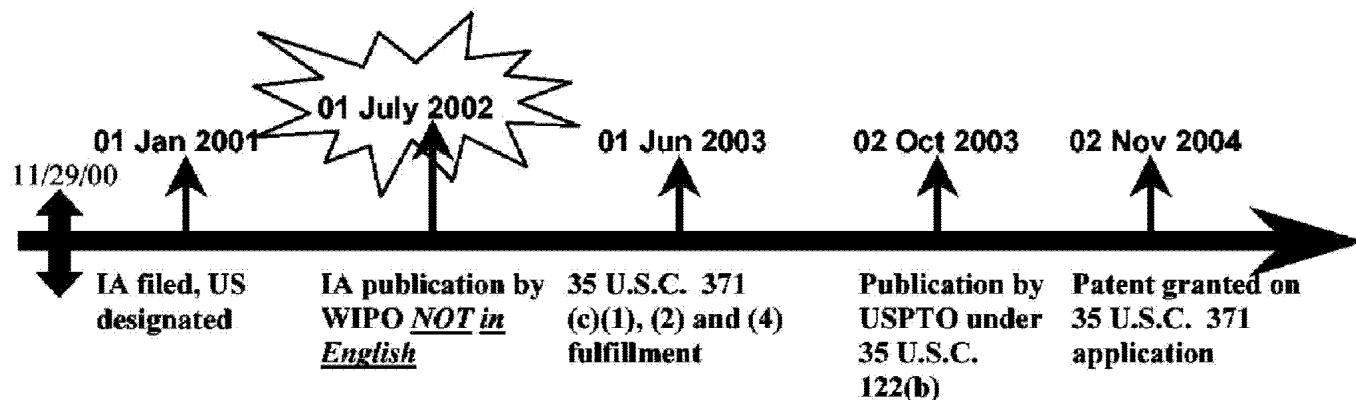
Claims 1-7 and 9-12 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Yoshizawa (US 7022607).

Applicants respectfully traverse.

First, Yoshizawa does not qualify as prior art under 35 U.S.C. §102(e), since the WIPO publication of Yoshizawa's PCT application was not in English. Accordingly, Yoshizawa does not qualify as a reference under 35 U.S.C. §102(e). The analysis of whether the document would be a reference under 35 U.S.C. §102(e) is discussed in the Manual of Patent Examining Procedure (MPEP) section 706.02(f)(1). The particular example in the MPEP section that is relevant to the Yoshizawa document is Example 5, a copy of which is reproduced hereinbelow.

Example 5 : References based on the national stage (35 U.S.C. 371) of an International Application filed on or after November 29, 2000 and which was not published in English under PCT Article 21(2) .

All references, whether the WIPO publication, the U.S. patent application publication or the U.S. patent, of an international application (IA) that was filed on or after November 29, 2000 but was not published in English under PCT Article 21(2) have no 35 U.S.C. 102 (e) prior art date at all. According to 35 U.S.C. 102 (e), no benefit of the international filing date (nor any U.S. filing dates prior to the IA) is given for 35 U.S.C. 102 (e) prior art purposes if the IA was published under PCT Article 21(2) in a language other than English, regardless of whether the international application entered the national stage. Such references may be applied under 35 U.S.C. 102 (a) or (b) as of their publication dates, but never under 35 U.S.C. 102 (e).



The 35 U.S.C. 102(e)(1) date for the IA Publication by WIPO is: None. The 35 U.S.C. 102(e)(1) date for the Publication by USPTO is: None. The 35 U.S.C. 102(e)(2) date for the Patent is: None.

The IA publication by WIPO can be applied under 35 U.S.C. 102 (a) or (b) as of its publication date (01 July 2002).

Additional * Benefit Claims :

If the IA properly claimed ** > the benefit of < to any earlier-filed U.S. application (whether provisional or nonprovisional), there would still be no 35 U.S.C. 102 (e) date for all the references.

If a later-filed U.S. nonprovisional (35 U.S.C. 111 (a)) application claimed the benefit of the IA in the example above, the 35 U.S.C. 102 (e) date of the patent or publication of the later-filed U.S. application would be the actual filing date of the later-filed U.S. application.

Accordingly, Yoshizawa does not qualify as prior art under section 102(e) .

Further, even if Yoshizawa is considered, while the frame 5 in the Yoshizawa document might appear to be corresponding to the substrate recited in claim 1, 2, 8, and 13 of this application, that frame 7 is not described as a rectangular parallelepiped.

Moreover, the Yoshizawa document does not describe that the member having a contour corresponding to the substantially rectangular parallelepiped frame is integrally fixed to the substrate having a substantially rectangular parallelepiped

contour as recited in claims 1 and 8 as amended to incorporate claims 4 and 10 therein.

Accordingly, it is respectfully submitted that the claims are allowable.

Claims 8 and 13 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee or Yoshizawa in view of Ham (US 6319636).

Applicants respectfully traverse.

While the supporter 46 in Lee might initially appear to be corresponding to the substrate recited in claims 8 and 13, that supporter is not described as a rectangular parallelepiped. Moreover, the Lee document does not describe that the member having a contour corresponding to the substantially rectangular parallelepiped frame is integrally fixed to the substrate having a substantially rectangular parallelepiped contour, as recited in claims 8 and 13 as amended.

While the frame 31 in the Ham document might appear to be corresponding to the substrate recited in claims 8 and 13 of this application, that frame 31 is not described as a rectangular parallelepiped. Moreover, as noted above, Yoshizawa does not describe that the member having a contour corresponding to the substantially rectangular parallelepiped frame is integrally fixed to the substrate having a substantially rectangular parallelepiped contour. Claims 8 and 13 as amended include the concept of the lithography mask consisting of said substrate and

a frame having a shape of a substantially rectangular parallelepiped, which are fixed to each other.

Also, as noted above, Yoshizawa would not qualify as prior art under 35 U.S.C. §102(e).

An advantages of the invention according, to claims 1, 2, 8, and 13 of this application are that, as described at page 17, lines 12 to 21 of the English text, "transfer masks in high-resolution mask patterns such as charged particle beam transfer masks, X-ray transfer masks, and extreme ultraviolet transfer masks can efficiently and precisely be prepared using existing, for instance, electron beam photolithographic equipment. Accordingly, a high resolution pattern can easily and precisely be transferred from such a transfer mask."

In other words, claims 1-3, 5-9 and 11-13 of this application would have neither been anticipated by the teachings of Lee or Yoshizawa, nor obvious from what is disclosed in the Lee or Yoshizawa and Ham documents, whether considered alone or when combined.

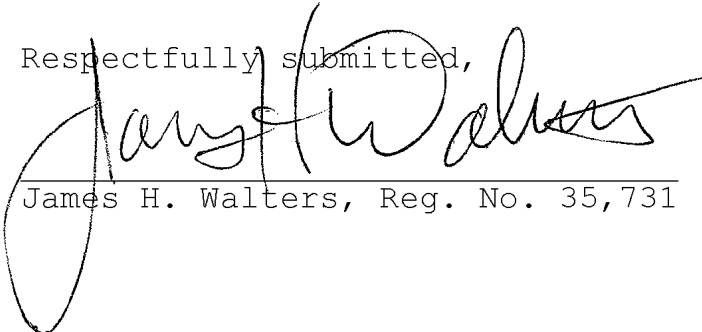
In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that no further fees are due with this filing or that the required fees are being submitted herewith. However,

Appl. No. 10/535,165
Amdt. dated March 9, 2009
Reply to Office action of September 9, 2008

if additional fees are required to keep the application pending,
please charge deposit account 503036. If fee refund is owed,
please refund to deposit account 503036.

Respectfully submitted,

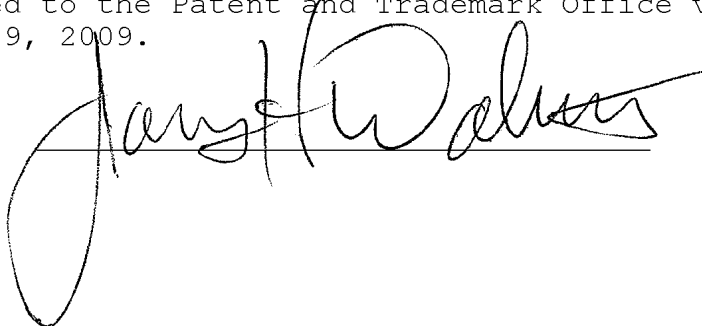


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ADD label
Prior Art

FIG. 5
PRIOR ART

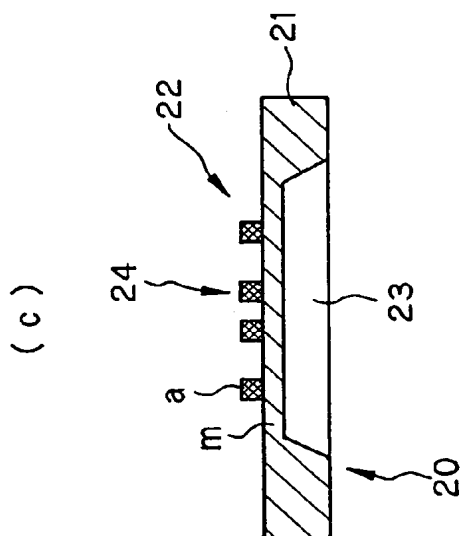
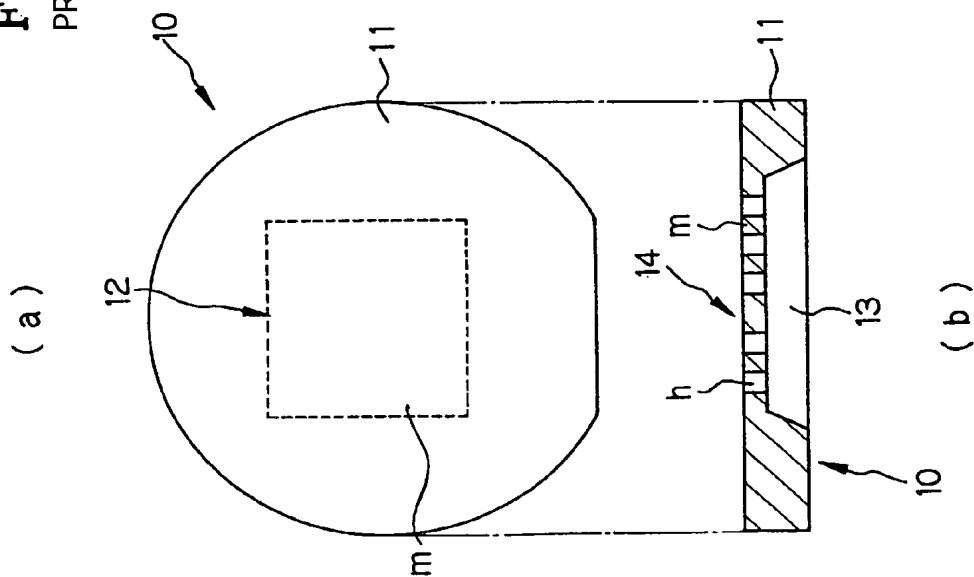
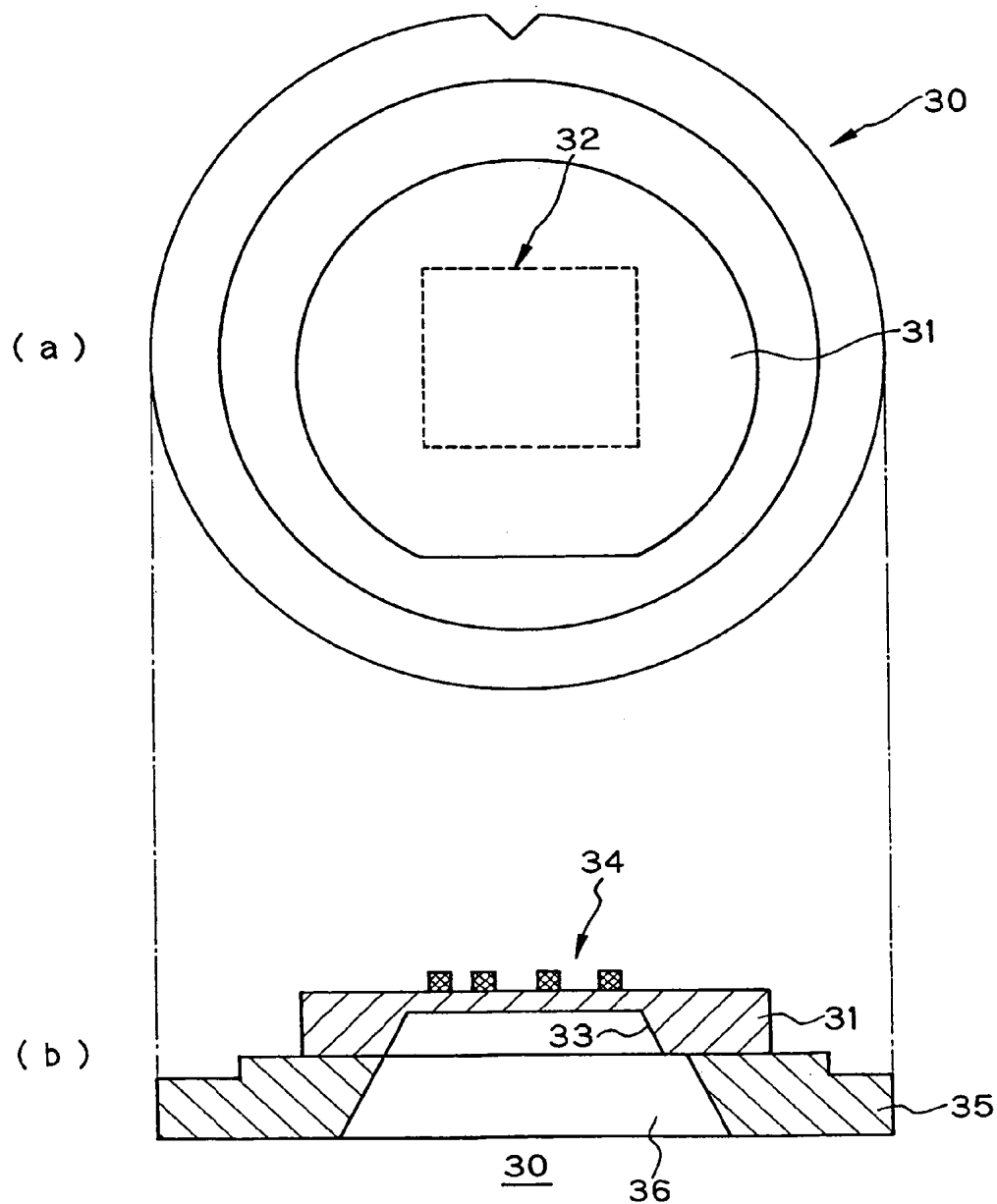


FIG. 6
PRIOR ART

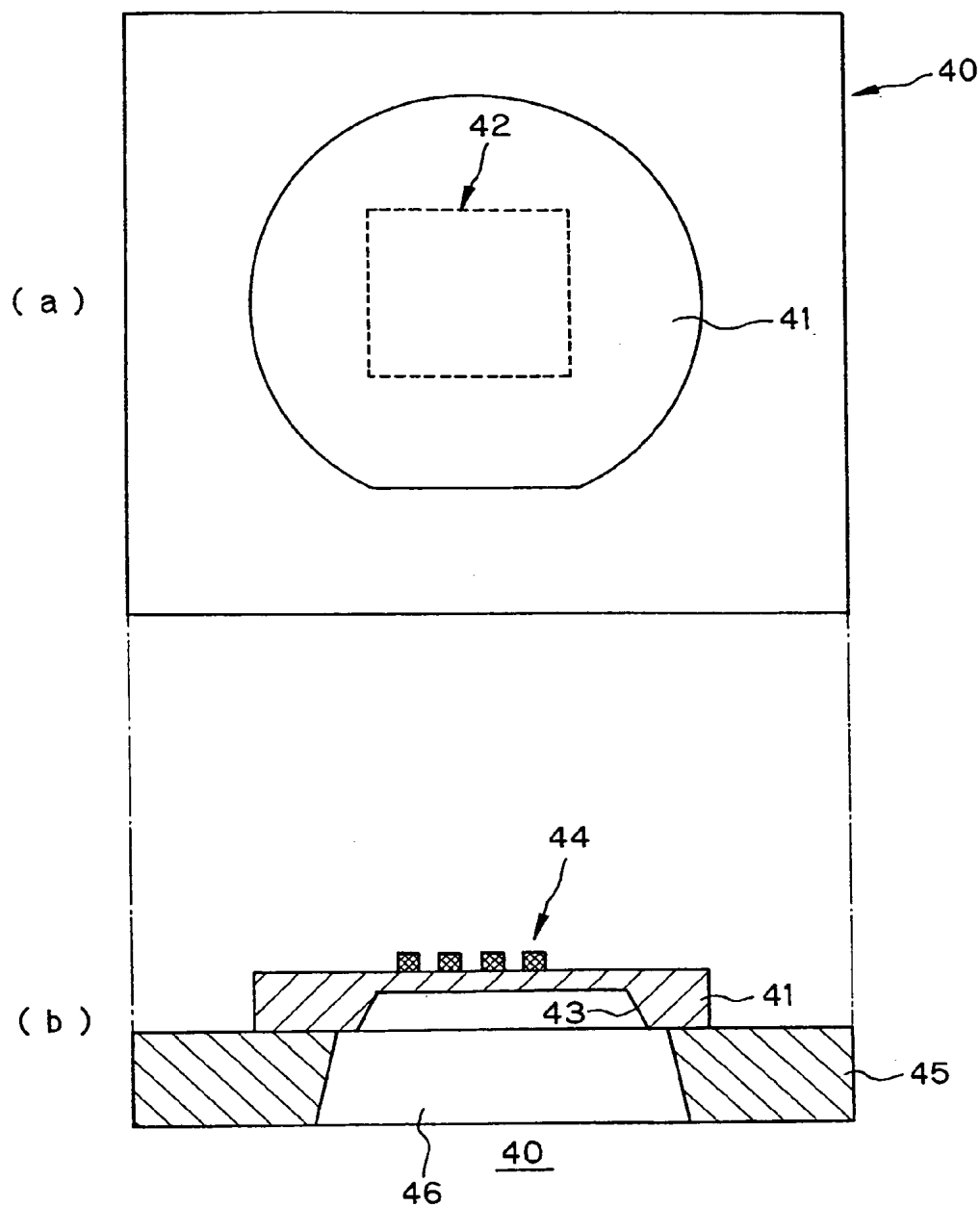
~~FIG. 6~~

Add Label
Prior Art



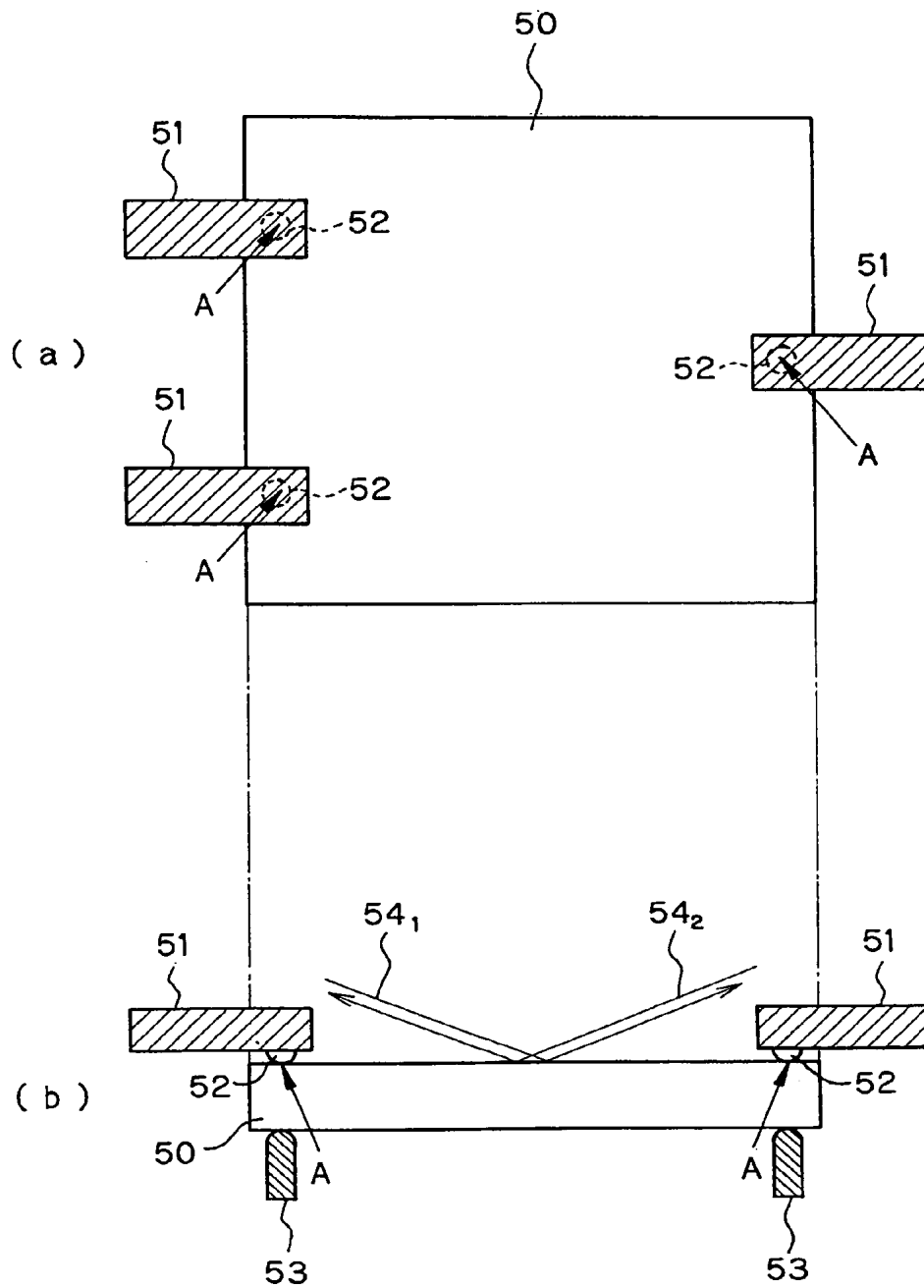
Add label
Prior Art

FIG. 7
PRIOR ART
~~FIG. 7~~



Add Label
Prior Art

FIG. 8
PRIOR ART
~~FIG. 8~~



Add Label
Prior Art

FIG. 9
PRIOR ART
~~FIG. 8~~

